

United States District Court
Eastern District of North Carolina
Western Division

FILED

DEC 28 2022

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY DEP CLK

Case No. 5:22-ct-3455-BO

(To be filled out by Clerk's Office only)

JULIAN TERELL FURR

Inmate Number

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

COMPLAINT

(Pro Se Prisoner)

UNITED STATES OF AME
-RICA
ET. AL

Jury Demand?

☒ Yes

☐ No

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☐ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☒ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☒ Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

II. PLAINTIFF INFORMATION

Julian Furr
Name

1685715
Prisoner ID #

Central Prison
Place of Detention

4285 MSC
Institutional Address

Raleigh NC 27699
City State Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee ☐ State ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

John Doe
Name

Chief of Selma Police Department
Current Job Title

1200 South Tolkack St
Current Work Address

Selma NC 27576
City State Zip Code

Capacity in which being sued: ☒ Individual ☐ Official ☐ Both

Defendant 2:

Thomas Lock
Name

resident Superior Judge
Current Job Title

207 E Johnston St
Current Work Address

Smithfield NC 27576
City State Zip Code

Capacity in which being sued: ☐ Individual ☒ Official ☐ Both

Defendant(s) Continued

Defendant 3: John Doe
Name
Director of NCIS
Current Job Title
Sigard Street South West
Current Work Address
Washington DC 20003
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 4: John Doe
Name
Director of NCBI
Current Job Title
225 Tryon globe suite 200A
Current Work Address
Raleigh NC 27603
City State Zip Code

Capacity in which being sued: ☒ Individual ☐ Official ☐ Both

5. Johnston County
name

City of Johnston County NC
current Job Title

207 E Johnston St

current work Address

Smithfield NC 27576

City State zipCode Capacity in which being
sued ☒ individual

6. United States of America
name

US District Attorney Michael F. Eafley Jr.
current Job Title

150 Fayetteville St Suite 2100

current work Address

Raleigh NC 27601
City State zipCode

Capacity in which being

sued ☒ individual

7. United States of America
name

Attorney General of the United States Merrick B. Garland
current Job Title

950 Pennsylvania Ave Northwest

current work Address

Washington DC 20530

City State zipCode Capacity in which being sued

☒ individual

8. Donald Trump
name

Former President
current Job Title

current Work Address

city State Zipcode capacity in which
being sued ☒ individual

9. Jane Doe
name

District Attorney of Johnston county court house
current Job Title

207 E Johnston St

current Work Address

Smithfield NC 27576

city State Zipcode capacity in which being

sued ☐ official

10. Joe Biden
name

President / Chief of Staff
current Job Title

1600 Pennsylvania Ave Northwest

current Work Address

Washington DC 20500

city State Zipcode capacity in which being sued

☒ official

11. Department of Navy - Marine Corp.

Name

Commandant of Marine Corp and Sergeant Major of Marine

Current Job Title

Marine Corp Base

Current Work Address

Quantico
City

VA
State

22134
Zipcode

Capacity in which being sued

☒ Individual

V. STATEMENT OF CLAIM

Place(s) of occurrence: Camp Lejeune NC and Johnson County

Date(s) of occurrence: January 08, 2020 to Current

State which of your federal constitutional or federal statutory rights have been violated:

Fourth Amendment, Eighth Amendment, and Fourteenth Amendment of the United States Constitution and American Disability Act.

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who
did what to
you?

1. The Plaintiff, Julian Furr was stationed at
camp Lejeune at wound warrior battalion
NC Due to being a diagnose Schizophrenic
and the inability to perform regular military
duties.

2. Defendants of NCIS Director John Doe, Chief of
SPD John Doe, Ad Director of NCSBT
John Doe have officers who go by a
policy when working a case jointly that

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See Attach

2. violates people's constitutional rights.

3. Defendant's, Department of Navy-Marine corps violated the

ADA and allowed illegal search and seizure. The defendant's

also did not follow medical policy plus procedure Plaintiff

was denied medication that would've improved plaintiff's cog-

nitive functioning Defendant's had in their possession.

4. Defendant President Joe Biden is currently over a policy that

allows marines with disabilities to have their ADA rights violated.

5. Former president Donald Trump was over the policy that allowed

plaintiff's rights to be violated, as well.

6. Defendant resident superior Court Judge Thomas Lock of

Johnston county court house in Smithfield NC. Defendant personally

Denied All motions and requests from Plaintiff and

6. Plaintiff's Attorney regarding the illegal arrest and false imprisonment.

7. District Attorney of Johnston County Court house Jane Doe allowed malicious prosecution and subordinates to use underhand techniques to get higher punishments.

8. Defendants in Johnston County Denied plaintiff medication. Plaintiff was denied court access. Plaintiff tried, but couldn't give ample opportunity to defendants to correct their mistakes because he was not mentally functioning properly.

What
happened
to you?

9. on 08, January 2020, Plaintiff was located in his barracks room at Wound Warrior Camp Lejeune NC. When Plaintiff opened his barracks door after hearing a knock, at or about 0400 to 0430. Plaintiff was grabbed by an NCIS agent and detained. The door shut behind Plaintiff as plaintiff was being asked questions about his glasses.

When did it
happen to
you?

10. Plaintiff asked for his medication as agents and officers continued to ask the same questions about his glasses again and again. Defendants of SPD and NCsBT begin to get impassioned so they instructed NCIS agent to search for eyeglasses in plaintiff room.

Where did it
happen to
you?

See Attach

11. After Defendant NCIS came back with My glasses and cell phone NCIS agent told Duty NCO to re-open the barracks door to grab clothes for plaintiff.

12. Plaintiff was then transported to get interviewed. In the interview the plaintiff asked for his medication again. Plaintiff began to see objects move in the room. Plaintiff was not read his rights the whole time so plaintiff did not know he did not have to speak. Plaintiff ask if he can get the lawyer that he already has to help him. Plaintiff was then threatened by an SPD officer for doing this.

13. NCIS agent then requested a command search and Seizure from the commanding officer of wound warrior. In the Affidavit he does not mention the fact he entered plaintiff's room twice,

13. And Knows What's in there.

14. Despite having personally witness the violation of Plaintiff rights.

Defendants Department of Navy + Marine Corp granted the Comm
-and Search and Seizure. Which lead to Plaintiff arrest and

convictions of plaintiff rights. De

15. Plaintiff finally recieved his medication two hours before
plaintiff was finally read his rights.

16. Plaintiff was then transported to Johnston County Jail in
Smithfield NC with his medication.

17. Plaintiff was asked about his medication by LT on shift
at Johnston county Jail. When Plaintiff answered and explained
his diagnosis LT Placed Plaintiff in Solitary confinement
without a board hearing. He stayed there for 30 days.

18. while in solitary confinement plaintiff was denied medication then the following week placed on a new medication due to policy, without consent.

19. Plaintiff began to request Mental Health intervention often but was ignored. No response was given until months later.

20. on or about March 14, 2021 Plaintiff was placed in solitary confinement in pod C cell 6 at Johnston County Jail. Plaintiff was out on rec and was told to move to cell 2 in pod C that had feces smeared on the walls and ground. Plaintiff begged not to go in there and if he is to be housed in there to clean it first, officers denied cleaning request and told plaintiff to go in there anyway.

21. Lt. Ricks of Johnston County Jail said it is out

21. of her hands.

22. Plaintiff Noticed that lead Lt JerinKin and Captain in company with a group of officers entered Pod C. So plaintiff begged for them not to put him in cell 2 of Pod C.

23. One of the officers of Johnston County Jail officer Hinton stepped forward as if to attack plaintiff but was restrained by Lt Ricks.

24. When Plaintiff asked to speak to Captain alone plaintiff was attacked by Lt. JerinKin.

25. Plaintiff was going in and out consciousness plaintiff remembers being punched in the face, Choked, and struck with a baton, repeatedly.

26. LT. JerinKin then instructed officers to lift plaintiff

26. up and throw him into cell 2 of pod C. Plaintiff hit his head on the bunk and landed in smeared pieces that was on the floors and walls. Plaintiff urinated on himself involuntarily after hitting his head, and defecated in his pants.

27. The plaintiff then was talked to by captain Carson. Plaintiff requested medical attention and his glasses, but was denied both. Plaintiff ended up showing his injuries to the nurse at medication time. The plaintiff previously had issues with his legs from the military and also head trauma. So Plaintiff asked the nurse what he should do. Nurse instructed plaintiff to stay off the injured leg, and said the swelling to his face will go down. The nurse did no more than look at the injuries through the cell door.

28. Plaintiff was later brought a write up that stated Lt.

Jerin Kin was the officer who wrote and signed off on admini-

-strative segregation time. Plaintiff did not receive a discipl-

-inary board hearing for the incident. Nor did he get new crim-

-inal charges brought against him. Plaintiff stayed in solitary

confinement for 3 months after the incident. Lt. Jerin Kin the

day after incident threatened Plaintiff with a "round two".

Then hands Plaintiff his glasses.

29. Plaintiff began to put in motions to address the violations

of his rights. He tried to get the law materials notarized.

But Lt. Jerin Kin and Lt. Williams said he isn't allowed

to do so. Plaintiff's motions were being denied by resident

Superior Judge Thomas Lock. Judge Thomas Lock never

29. mentioned why the motions were being denied. Plaintiff

wrote letters to all parties to get them to correct their errors.

Plaintiff received no response, to this day.

30. On or about June 7, 2021 plaintiff's attorney tried to

bring the illegal arrest to the court's attention but Judge

Lock ignored this. Then bragged about denying Plaintiff's

Motions. On May 17, 2021 Plaintiff opening explained the right

that was violated to another Judge but was told he was

not competent. On June 7, 2021 Prosecutor Mark Mayakis

stated these are the facts. Then said Plaintiff committed

a crime out of boredom. Prosecutor Mayakis also fabricated

facts that the Motion clearly states otherwise. To elicit

an emotional response. The Judge Lock, repeatedly ask if

30. the case was captiol during the proceeding, Mark Mayakis

asked for a million dollar bond after plaintiff waited 18 months

without a bond. Judge Lock quickly ruled in his favor.

31. Later on June 6, 2022 prosecutor Mayakis used the same

technique he used in the bond hearing to get an emotional

response from the judge. When the judge was about to sentence

Plaintiff, Prosecutor Mayakis begged for the highest punishment

ent. Despite plaintiff having never been in trouble before

Mayakis was granted this as well.

What was
your
injury?

32. Plaintiff was never mentally evaluated to see if his cognitive functioning was normal enough to stand trial. Plaintiff has medical records from the military saying He should have someone from his command, or in general, be with him at all times. Plaintiff also has has a history of traumatic Brain injuries (TBI) that slow down plaintiff's speech, thoughts, and reasoning.

33. Plaintiff has a permanent Knot on his right Shin. Plaintiff had suicidal thoughts often after illegal arrest. The thoughts heightened after Plaintiff was beaten and placed in solitary confinement. Plaintiff has bowel movements and urinates on his self.

See attach

34. involuntary from time to time since beaten.

35. Plaintiff lost his wife and custody of his son due to illegal arrest. Plaintiff's son does not know plaintiff and Plaintiff has no way to communicate with his son. Plaintiff desire to communicate with his son while he is incarcerated.

36. Plaintiff lost his property and went into debt. Because of illegal arrest and false imprisonment.

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? ☒ Yes ☐ No

If no, explain why not:

Is the grievance process completed? ☒ Yes ☐ No

If no, explain why not:

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

A. An injunction ordering Defendants: President Biden, Judge Lock, District Attorney Doe, and Director of NCES to:

1. President Biden to place a conditional Pardon

See Attach

1. for plaintiff and anyone who was arrested because of the illegal search and seizure. Furthermore Plaintiff does not pick up any additional criminal charges in 7 years of conditional pardon. Plaintiff's criminal conviction of current charge be expunged.

2. Defendant Lock to over turn plaintiff conviction, to throw out illegal arrest, and search and seizure.

3. District Attorney Doe release anyone who was arrested with defendant because of illegal search and seizure.

4. Defendant NCIS Director to fix the policy with requesting command search and seizure for an jointed agencies and transferring custody.

B. Plaintiff ask for computer damages

1. \$ 100,000 jointly and severally a day against defendants

NCSBI Director, NCIS Director, City of Johnston County NC, Department of Navy - Marine Corps, former President Trump, United States and SPD Chief

2. \$ 100,000 jointly and severally A day for illegal search and seizure against Defendants NCIS Director, Department of Navy - Marine Corp NCSBI Director, Johnston County NC, former President Trump, SPD Chief and United States

3. \$ 100,000 for all loss of property from each defendant

NCIS Director, Department of Navy - Marine Corp, NCSBI Director, Johnston County NC, Former President Trump, SPD Chief and United States

4. \$ 750,000 jointly and severally a day for Trespass

4. fine each defendants NCSBI Director, Department of Navy - Marine Corp, SPD Chief, NCIS Director, and United States

C. Award punitive damages in the following

Amounts:

1. \$100,000 a day from each defendants for violation of ADA NCSBI Director, Department of Navy - Marine Corp, SPD Chief, NCIS Director, and United States

2. \$150,000 pain and suffering a day from each defendants NCSBI Director, Department of Navy - Marine Corp, SPD Chief, NCIS Director, and United States

D. Plaintiff ask the court to grant such other reliefs as it see fit.

VIII. PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

☒ Yes ☐ No

If yes, how many? 1

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

JULIAN TEREELL FURR V VIVIAN WILLIAMS ET. AL the nature of case is violation of my Constitutional rights it ties with this case. The case is being put in at the same time so it has no status.

IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

November 10, 2022
Dated

Julia Furr
Plaintiff's Signature

Julian Furr
Printed Name

1685715
Prison Identification #

4285 MSC Raleigh NC 27699
Prison Address City State Zip Code

Verified Complaint

I Julian Terrell Furr declare that everything I stated in my tort claim, is of my own free will and factual to the best of my knowledge, And that I do not intend to be malicious toward any of the defendants nor do I plan on being Frivolous to any of the defendants. I Julian Terrell Furr also declare that I exhausted every remedies I possible can under the law. I Julian T. Furr declare that I can prove every alleged facts if given the chance. I Julian Terrell Furr declare under penalty of perjury that its contents are true and correct.

JULIAN TERELL FURR

Plaintiff print

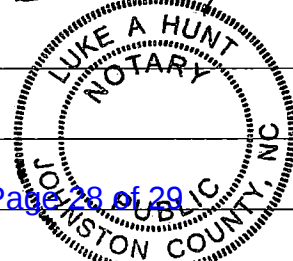
Julian Terrell Furr
Plaintiff sign

Date November 10, 2022

Notary Print: Luke A Hunt

Notary sign: *[Signature]*

Notary Stamp



My Commission Expires 6-7-2023.

Bivens v Six unknown Federal Narcotics Complaint

under federal Rule of civil Procedure 11, by signing below, I certify to the best of my knowledge, information and belief that this Action under Bivens v. Six unknown Federal Narcotics Agents, 403 U.S. 388 (1971) Complaint (1) is not being presented for an improper purpose, such as harass, cause unnecessary delay, or needlessly increase the cost of litigation (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely opportunity for further investigation or discovery; and (4) This Action under Bivens v. Six unknown Federal Narcotics Agents, 403 U.S. 388 (1971) Complaint otherwise complies with the requirements of Rule 11. I hereby declare under penalty of perjury that its contents are true and correct.

Julian Furr
Plaintiff Print

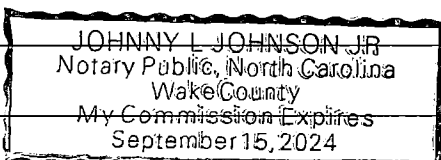
Julian Furr
Plaintiff Sign

Sworn to me by this date November 22, 2022

Johnny L Johnson Jr
Notary Print

Johnny L Johnson Jr
Notary Sign & Stamp

September 15, 2024
Notary Exp.



1 of 1
JJ